

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

In re:	§	
	§	Chapter 7 (Converted)
SCOTT VINCENT VAN DYKE,	§	
	§	Case No. 21-60052
DEBTOR.	§	Hon. Christopher M. Lopez
	§	

BUILDERS WEST, INC.’S AMENDED WITNESS AND EXHIBIT LIST

Builders West, Inc. (“Builders West”), by and through its undersigned counsel, files this *Amended Witness and Exhibit List* for the hearing in the above-captioned bankruptcy case, which is currently scheduled for **November 21, 2022 at 2:30 pm CT** (the “Hearing”).

WITNESSES

Builders West may call any of the following as a witness at the Hearing:

1. Scott Vincent Van Dyke, the Debtor;
2. Catherine Curtis, Chapter 7 Trustee;
3. Any witness called or designated by any other party-in-interest; and
4. Any witness necessary to rebut the testimony of witnesses called or designated by any other party.

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EXHIBITS

Builders West may offer any one or more of the following exhibits at the Hearing:

EXHIBIT	DESCRIPTION	MARKED	OFFERED	OBJECT	ADMIT
1	Builders West's <i>Amended Proof of Claim</i> [Claim No. 12-3], with attachments;				
2	Debtor's <i>Emergency Motion to Avoid Judicial Lien of Exempt Property Under 11 U.S.C. § 522(f)</i> (" <u>Motion to Avoid Lien</u> ") [Doc. No. 244];				
3	Builders West's <i>Objection to Motion to Avoid Lien</i> [Doc. No. 245];				
4	Debtor's <i>Motion to Approve Compromise and Settlement Pursuant to Fed. R. Bankr. P. 9019(a)</i> (" <u>Noel 9019 Motion</u> ") [Doc. No. 248];				
5	Ch. 7 Trustee's <i>Emergency Motion Pursuant to Section 105 of the Bankruptcy Code and Bankruptcy Rule 9019 for Entry of an Order Approving Settlement</i> (" <u>Trustee 9019 Motion</u> ") [Doc. No. 249];				
6	Debtor's <i>Notice of Hybrid Hearing</i> [Doc. No. 250];				
7	Builders West's <i>Objection to the 9019 Motions</i> , with exhibits [Doc. No. 260];				
8	Builders West's <i>Motion to Dismiss Case</i> [Doc. No. 145];				
9	Builders West's <i>Reply in Support of Motion to Dismiss</i> [Doc. No. 189];				
10	Builders West's <i>Motion to Substantively Consolidate Bankruptcy Cases</i> [Doc. No. 258];				

11	Builders West's <i>Joinder to Chapter 7 Trustee's Objection to Debtor's Claimed Exemptions</i> [Doc. No. 187];				
12	Builders West's <i>Amended Joinder to Chapter 7 Trustee's Objection to Debtor's Claimed Exemptions, and Objection to Debtor's Exemptions</i> [Doc. No. 246]				
13	Copy of Bankruptcy Case Docket as of Nov. 20, 2022;				
14	Email from Ch. 7 Trustee Catherine Curtis to Builders West's Counsel, dated June 20, 2022 (Re: DEADLINE TO OBJECT TO EXEMPTIONS);				
15	<i>Order Granting Judgment Creditor Gerard J. Swonke's Motion to Contest the Affidavits of Net Worth and Motion for Injunction</i> (entered Oct. 16, 2007) in <i>Anglo-Dutch Petroleum International, Inc., et al. v. Greenberg Peden, P.C.</i> , in the District Court for Harris County, Texas, 61 st Judicial District (" <u>State Court Findings of Fact</u> ");				
16	<i>Order Granting Bankruptcy Trustee Eva S. Engelhart's Motion for Summary Judgment</i> (entered Aug. 27, 2021), in the U.S. District Court for the S.D. of Tex., Case No. 4:19-cv-2894 (" <u>District Court Case</u> ");				
17	<i>Final Judgment</i> (entered Nov. 10, 2021), in the District Court Case;				
18	Bankruptcy Trustee Eva S. Engelhart's <i>Motion for Summary Judgment</i> [Doc. No. 37 in the District Court Case], with Exhibits;				
19	Deed of Trust with Van Dyke (Grantor) and ADPI (Lender), dated Feb. 11, 2005;				
20	General Warranty Deed with Vendor's Lien, with Van Dyke (Grantee) and ADPI (Lender), dated Feb. 11, 2005;				

21	Full and Final Release of Liens and Security Interests between Van Dyke (Borrower) and ADPI (Secured Party), recorded Oct. 31, 2006				
22	Agreement to Forgive Promissory Note between Van Dyke and ADPI, dated Sept. 28, 2006;				
23	Forgiveness of Promissory Note, dated Oct. 25, 2006, signed by Van Dyke and his mother on behalf of ADPI;				
24	Van Dyke's Answers and Objections to Plaintiffs' First Interrogatories (submitted in District Court Case on March 5, 2020);				
25	Any exhibit necessary for impeachment and/or rebuttal; and				
26	Any exhibit identified or offered by any other party.				

Builders West reserves the right to amend or supplement this Amended Witness and Exhibit List any time prior to the Hearing.

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Dated: November 20, 2022

Respectfully submitted:

By: /s/ Rachel T. Kubanda
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ATTORNEY FOR BUILDERS WEST, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the November 20, 2022, a copy of the foregoing instrument was served on the parties entitled to receive notices through the Court's electronic notification system as permitted by the Local Rules of the U.S. Bankruptcy Court for the Southern District of Texas.

/s/ Rachel T. Kubanda

Rachel T. Kubanda